

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00063

Melinda Megan Teer,
Plaintiff,

v.

Commissioner, SSA,
Defendant.

ORDER


On September 19, 2023, plaintiff Melinda Teer's lawyer, Ronald Honig, filed a petition to obtain approval of a fee for representing a social security claimant pursuant to 42 U.S.C. § 406(b). Doc. 31. The Commissioner filed a response declining to take a position on the reasonableness of counsel's request. Doc. 33. The motion was referred to United States Magistrate Judge John D. Love for findings of fact and recommendation for disposition. Doc. 32.

On October 3, 2023, Judge Love issued a report and recommendation, recommending that Mr. Honig's petition be granted and that the Commissioner pay the requested § 406(b) fee award to plaintiff's counsel in the amount of \$15,733.48. Doc. 34. Judge Love further recommended that, concomitant with the award of attorney fees under § 406(b), plaintiff's counsel shall refund the amount of \$6,330.53 in Equal Access to Justice Act ("EAJA") fees to plaintiff. *Id.*

Neither party has filed objections to Judge Love's report and recommendation, and the timeframe for doing so has passed. When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Accordingly, the report and recommendation (Doc. 34) is adopted. Mr. Honig's petition (Doc. 31) is granted. The

Commissioner shall pay the requested § 406(b) fee award to plaintiff's counsel in the amount of \$15,733.48. Concomitant with the award of attorney fees under § 406(b), plaintiff's counsel shall refund the amount of \$6,330.53 in EAJA fees to plaintiff.

So ordered by the court on November 17, 2023.



J. CAMPBELL BARKER
United States District Judge